

REMARKS

In the Final Office Action, the Examiner rejected pending claims 1-11, 25-27, 29-32, 60-76, 78-86, 88-100 and 102. No claim amendments are made at this time. Reconsideration and allowance of the application are respectfully requested in view of the following remarks.

Applicant notes with appreciation the withdrawal of the 35 USC 101 Rejections and the acceptance of the drawings filed on 09 April 2004.

35 U.S.C. §103 Rejections - Claims 1-11, 25-27, 29-32, 60-76, 78-86, 88-100 and 102

Withdrawal of the rejection of Claims 1-11, 25-27, 29-32, 60-76, 78-86, 88-100 and 102 under 35 U.S.C. §103(a) as allegedly being unpatentable over USPAN 2003/0048353 to Kenoyer, et al. ("Kenoyer") in view of USPAN 2002/0141732 to Reese et al ("Reese") is respectfully requested in view of the following.

The Office has the duty to make a *prima facie* case of obviousness, which is established only if (i) the combination of cited references discloses each and every feature as recited in the rejected claim(s), (ii) "the combination of familiar elements does no more than yield predictable results", and is not (iii) "...sustained by mere conclusory statements..." "[I]nstead, there must be some articulated reasoning with some rational underpinnings to support the legal conclusion of obviousness." See *KSR Int'l Co., v. Teleflex, Inc.*, 550 U.S. 398, 127 S. Ct. 1727; 167 L. Ed. 2d 705, 711 & 722; 82 U.S.P.Q.2D (BNA) 1385. Thus, an obviousness rejection under 103(a) is improper and must be withdrawn if the Applicant can show at least one or more of the following:

- a) the legal conclusion of obviousness is not supported by one or more reasons for making the alleged combination;
- b) the subject matter of the rejected claim(s) which recite a combination of familiar elements yield unpredictable results;
- c) the suggested combination of references would not produce the claimed invention, either because one or more claim features are absent from either or both reference(s), or due to fundamental

differences between the claimed invention and at least one of the cited references;

d) one or more of the references explicitly teaches away from the claimed invention;

e) one or more of the references cannot be combined as suggested, either because the references are not compatible with each other or because the suggested combination would not work (e.g., operate or function);

f) the rejection is impermissibly based on a hindsight reconstruction of the claimed invention based on the applicant's own application; and/or

g) at least one of the cited references is from a very different (e.g., non-analogous) field of endeavor, etc.

In this case, in addition to all of the remarks made in Applicant's last reply, which are again herein incorporated by reference, withdrawal of this obviousness rejection is requested because at least (c) and (d) apply to the subject matter presently recited in each of the rejected independent claims 1, 25, 60, 78, 86 and 94.

Applicant agrees with the statement at page 4 of the Office Action, that Kenoyer fails to show at least "...transmission without compression [across] a video transmission interface that has insufficient transmission capacity to transmit said at least one digital image data input stream without image compression."

Page 4 of the Office Action further alleges, in pertinent part:

Reese teaches transmission without compression [across] a video transmission interface that has insufficient transmission capacity to transmit said at least one digital image data input stream without image compression.

Neither part of this statement is correct. For example, the latter half of this statement is not correct – because (as pointed out in Applicant's last reply), Reese is using unlimited bandwidth Ethernet. Even assuming *arguendo*, that the BUS disclosed in Reese is bandwidth-

limited, the first half of this statement remains incorrect because Reese does not teach “transmission without compression”. In fact, Reese teaches exactly the opposite, e.g., that data from a video camera is compressed before storage and/or transmission:

The memory controller 234 transmits the selected video image information received from the connected cameras (310 and 310D) to one or more compression engine(s) 238 which reduces the number of transmitted bytes of the video information by known methods, such as by employing an MPEG video compression algorithm, rejecting information redundant within and/or between frames.... The compression engine 238 presents the compressed video data on the BUS for storage and/or transmission.... (See, Reese, para. [0026], emphasis added).

Therefore, it is clear that the suggested combination of Kenoyer and Reese would not produce the claimed invention, not only because at least the above-described claim feature (not to mention the combination of features recited as a whole in each of Applicant’s independent claims) is absent from both references, but also due to fundamental differences between the claimed invention and each of Kenoyer and Reese. Moreover, as proved, both Kenoyer and Reese each explicitly teaches away from the claimed invention.

Withdrawal of this rejection of claims 1-11, 25-27, 29-32, 60-76, 78-86, 88-100 and 102 is therefore respectfully requested.

35 U.S.C. §103 Rejections – Claims 10, 78-82, 84-86 and 88-92

Withdrawal of the rejection of claims 10, 78-82, 84-86 and 88-92 under 35 U.S.C. §103(a) as allegedly being unpatentable Kenoyer in view Reese in further view of USPN 7,113,654 to Russo (“Russo”) is respectfully requested because Russo fails to cure the deficiencies of Kenoyer and Reese noted above.

Appl. No.: 10/596,717

Reply to Final Office Action Mailed: May 12, 2009

35 U.S.C. §103 Rejections – Claim 83

Withdrawal of the rejection of dependent claim 83 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kenoyer in view of Reese in further view of Russo further in view of USPN 6,323,906 to Kobayashi et al (“Kobayashi”) is respectfully requested because Kobayashi fails to cure the deficiencies of Kenoyer and Reese and Russo above.

CONCLUSIONS

In view of the foregoing remarks, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for Allowance. A Notice of Allowance for claims 1-11, 25-27, 29-32, 60-76, 78-86, 88-100 and 102 is therefore earnestly solicited.

While various distinctions may have been noted with respect to the cited reference(s), there may be other limitations in the pending claims that are also distinguishable over the cited reference(s). Applicant therefore reserves all rights and arguments with respect to all such other limitations and distinctions not expressly noted above. Moreover, to the extent that any claim amendments made above constitute a narrowing of the scope of claimed subject matter, such narrowing should not be construed as admitting the merits of any of the claim rejections. Applicant's failure (if at all) to expressly address above any particular statement or argument by the Examiner should not be construed as an admission or acquiescence that such statement or argument is accurate or proper.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representatives at the below listed telephone number.

Respectfully submitted,

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